

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KATIE SARAH MARIE
GEORGIA and CODY LEE ALLEN GEORGIA,
Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 4, 2005

Petitioner-Appellee,

v

MARIE CRAGO, f/k/a MARIE OTT,

Respondent-Appellant,

and

FLOYD ALLEN GEORGIA,

Respondent.

No. 261336
Berrien Circuit Court
Family Division
LC No. 03-000124-NA

Before: Saad, P.J., and Jansen and Markey, JJ.

MEMORANDUM.

Respondent Marie Crago appeals by right from the trial court's order terminating her parental rights under MCL 712A.19b(3)(g) and (j). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). Respondent's children were taken from her because of neglect in 1995, when Katie was ten months old and Cody was two years old. Respondent was offered services but was unable to benefit from them. Ultimately, the children were placed under the guardianship of respondent's mother. When the children were removed from her mother's care because of neglect, it was learned that respondent had been on a four-month crack cocaine binge. Respondent received many services. Although she gave negative drug screens and attended counseling and parenting classes, the evidence showed that respondent was not able to benefit from the services and was not able to properly parent her children because of her

limited intellectual capacity and her serious physical and psychiatric problems. Respondent herself needed constant supervision and assistance with everyday living. She had achieved to her capacity, but it was not sufficient to provide care for her children.

Respondent argues that, because she is a slow learner, she should have been given more time to learn the necessary parenting skills. But respondent's intellectual limitations, considered with her psychiatric illness and progressively disabling neurological disease, would prevent her from ever becoming someone who could properly parent the children. The evidence was clear that there was no reasonable expectation that respondent would be able to provide proper care and custody within a reasonable time considering the children's ages and that there was a reasonable likelihood the children would be harmed if returned to her care.

Furthermore, the evidence did not establish that the children's best interests precluded termination of respondent-appellant's parental rights. MCL 712A.19b(5).

We affirm.

/s/ Henry William Saad
/s/ Kathleen Jansen
/s/ Jane E. Markey